

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

McKESSON CORPORATION,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-mc-03370-MHT

DONNA M. PAUL, an individual and
RHEUMATOLOGY SPECIALISTS OF
CENTRAL ALABAMA, INC.,

Defendants.

DONNA M. PAUL, M.D., INC.,

Garnishee.

MOTION FOR ORDER COMPELLING
DEFENDANT, DONNA M. PAUL, TO ATTEND DEPOSITION
AND COMPLY WITH SUBPOENA DUCES TECUM

MOTION FOR SANCTIONS

COMES NOW Plaintiff, by and through its attorney of record, and files this Motion seeking an Order of this Court compelling Defendant, Donna M. Paul, to attend a deposition and further Plaintiff moves the Court to enter sanctions against Defendant, Donna M. Paul, for her failure to attend a previously scheduled depositions. In support of its Motion and as grounds for said relief, Plaintiff would show this Court as follows:

1. Plaintiff was awarded a judgment by this Court against Defendants Donna M. Paul and Rheumatology Specialists of Central Alabama, Inc. on, to-wit: March 26, 2007. Said judgment was in the original amount of \$219,538.28, plus costs. Neither

Defendant has paid or satisfied the judgment. In fact, there have been no payments or credits whatsoever to this point in time.

2. In aid of collecting its judgment, Plaintiff scheduled the post-judgment discovery of assets deposition of Defendant, Donna M. Paul, originally on September 28, 2007. Defendant, Donna M. Paul, was duly served with a Subpoena Duces Tecum commanding her attendance at the deposition and requiring her to produce certain financial records, documents, tax returns, and other financial records.

3. Further, counsel for Plaintiff contacted her office to remind her of the depositions and sent correspondence dated September 17, 2007 to confirm the deposition date.

4. Counsel for Plaintiff received no return call, nor did they receive correspondence requesting a different date or time.

5. Copies of the Subpoenas served upon Dr. Donna M. Paul are attached hereto and made a part hereof as Exhibit A collectively.

6. On the date of the depositions, counsel for Plaintiff, along with its court reporter arrived for the depositions.

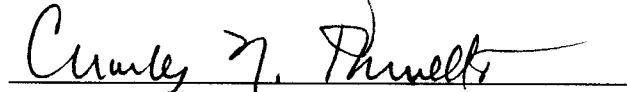
7. The Defendant is intentionally refusing to attend the depositions to hinder, delay, and impede Plaintiff in its efforts to collect its judgment.

8. Accordingly, Plaintiff would move this Court pursuant to Rule 37(d) of the Federal Rules of Civil Procedure to enter an Order compelling and requiring the Defendant, Donna M. Paul, to attend a deposition at a time to be set by the Court and that she be further compelled to fully and completely comply with the Subpoena Duces Tecum as to the production of financial records and documents.

9. Furthermore, Plaintiff would move this Court to enter sanctions against Defendant, Donna M. Paul, for her failure to attend to the previously scheduled deposition assessing whatever penalty, fine, or costs against her as this Court deems appropriate. Plaintiff would respectfully request the Court order Defendant, Donna M. Paul, to pay appearance fees of \$150.00 for a court reporter and attorneys fees representing three hours of time for Plaintiff's attorney, a total of \$750.00 for the filing of this Motion and the prosecution of this requested relief.

WHEREFORE, THE PREMISES CONSIDERED, Plaintiff asks for relief as requested herein and whatever other or additional relief to which it may be entitled or as is necessary to compel the Defendant, Donna M. Paul, to comply with her legal obligations pursuant to the Subpoenas previously issued.

Respectfully submitted,

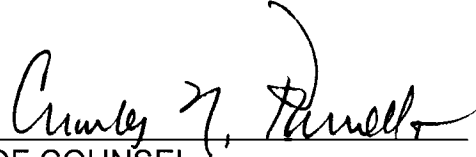
A handwritten signature in cursive script, reading "Charles N. Parnell, III", written over a horizontal line.

CHARLES N. PARNELL, III (PAR016)
Attorney for Plaintiff

Parnell & Crum, P.A.
P.O. Box 2189
Montgomery, Alabama 36102-2189
334/832-4200

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing pleading upon the below listed party by placing a copy of the same in the United States Mail, postage prepaid and properly addressed this the 8th day of October, 2007.


OF COUNSEL

Donna M. Paul, Pro Se
500 Arba Street
Montgomery, Alabama 36104

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MCKESSON CORPORATION,

Plaintiff,

VS.

CASE NO. CV 04-H-210-S

DONNA M. PAUL, MD INC.,


Defendant.

NOTICE OF TAKING DEPOSITION

TO: Donna M. Paul, MD
500 Arba Street
Montgomery, AL 36104

Please take notice that the Plaintiff will take the testimony by oral deposition of Donna M. Paul, MD, Defendant, in this case, on the 26th day of September, 2007, at 2:00 p.m. Said deposition will take place at the offices of Parnell & Crum, P.A., 641 South Lawrence Street, Montgomery, Alabama. The deposition will take place before a court reporter or some other officer authorized by law to administer oaths and will continue from time to time until completed.

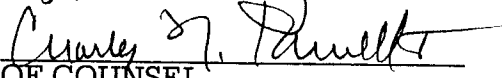
RESPECTFULLY SUBMITTED this 29th day of August, 2007.


CHARLES N. PARNELL, III
ATTORNEY FOR PLAINTIFF
ATTORNEY CODE: PAR016

OF COUNSEL:
PARNELL & CRUM, P.A.
PO Box 2189
Montgomery, AL 36102-2189
334/832-4200

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Taking Deposition has been served upon the below listed party by placing a copy of same in the United States Mail, postage prepaid and properly addressed this the 29th day of August, 2007.


OF COUNSEL

Donna M. Paul, MD
500 Arba Street
Montgomery, AL 36104

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MCKESSON CORPORATION,

Plaintiff,

VS.

CASE NO. CV 04-H-210-S

DONNA M. PAUL, MD INC.,

Defendant.

SUBPOENA DUCES TECUM

TO: Donna M. Paul, MD
500 Arba Street
Montgomery, AL 36104

You are hereby commanded to appear at the offices of Parnell & Crum, P.A., 641 South Lawrence Street, Montgomery, Alabama, on the 26th day of September, 2007, at 2:00 p.m., for the taking of deposition in the above-styled action. When attending same, you are hereby ordered to bring with you the following:

I. Salaries, Commissions, Bonuses and Other Remuneration:

1. Bring copies of all pay stubs, pay vouchers, payroll checks or copies of any and all documents concerning or related to your receipt of any salary, bonus, commission, or other payment or remuneration for your services, labor or other work in the last twelve (12) calendar months from each and every employer, person or entity from whom you worked or rendered services in any form or fashion.
2. Bring copies of each and every W-2 form or 1099 form you have received for work, employment, services rendered, or income you received in the last three (3) years.
3. Bring a list of each corporation, company, partnership, limited liability company (LLC), person or other entity for whom you have worked or been employed in the last five (5) years stating the name of such employer, the complete address (main office) of said employer, the dates of your employment, your salary and total compensation stated in a total average monthly sum, and the reason you no longer work there if your employment has been terminated.
4. If you claim to have been self-employed during any part of the time covering the last five (5) years, then bring business records to your deposition which will show the income and expenses of the business venture and the amounts of money you paid yourself.

II. Real Estate:

5. Bring a copy of the deed or deeds to each and every parcel of real estate in which you own any interest whatsoever in any state of the United States. This request concerns any interest you may have whether the interest is a fee simple, quit claim, joint tenant, with or without survivorship, tenants by the entirety, remainder interest, future interest or any other real property interest including a time-share interest, recognized by the state in which the property is located.
6. Bring a copy of all ad valorem tax notices, tax bills, tax appraisals or other documents issued by any tax collector, or other city, county or state taxing authority on each parcel of real estate you own disclosed in #5 above.
7. Bring either a copy of any mortgage, judgment, tax lien, judgment lien, mechanic's lien, materialman's lien or evidence of any and all other liens or encumbrances against any parcel of real estate covered in #5 above, or a written statement concerning said lien or encumbrance stating the name of the mortgagee, judgment creditor or lien holder, the address and phone number of the lien holder, telephone number if known, the date and amount of said lien, the approximate balance due on said lien as of the date of the deposition, and any recording information concerning the lien including the date of recording, place of recording, book and page number or other recording data.
8. Bring a copy of any written appraisal you had prepared or which you otherwise received from a third party compiled in the last three (3) years on each and every parcel of real estate covered in #5 above.
9. Bring a copy of any and all deeds reflecting a transfer by you of your personal interest in any parcel of real estate in the last five (5) years, and be prepared to state the total consideration paid, the date of the transfer, and the actual consideration paid by the purchaser/transferee.

III. Personal Property:

10. Bring a copy of the Certificate of Title issued as to any automobile, car, truck, pickup truck, motorcycle or other motorized vehicle or any trailer you own or in which you own any interest whatsoever, including any such vehicle in which you do not claim technical ownership but your name is listed on the Certificate of Title either as owner or joint-owner. In other words, if your name is shown on the Certificate of Title as owner or joint owner, you are to bring a copy of said title.
11. Bring a copy of the Certificate of Title issued as to any mobile homes or boats, including any such mobile home or boat in which you do not claim technical ownership but your name is listed on the Certificate of Title either as owner or joint-owner. In other words, if your name is shown on the Certificate of Title as owner or joint owner, you are to bring a copy of said title.
12. Bring a detailed list of all household furniture, furnishings, or household goods which you either own or jointly own with a value of \$500.00 or more per item.
13. Bring a detailed list of all jewelry you own or in which you claim an interest with a

value of \$500.00 or more per item.

14. If you have any coin collections, stamp collections, antique collections, gun collections, art collections, memorabilia collections or collections of any similar kind or nature, then bring any written appraisal you have no more than three (3) years old valuing the collection, and a detailed list or inventory of the collection and all of its components.

15. Bring a list of any and all other personal property you own or in which you own or claim any interest with a value of \$1000.00 or more per item including non-titled vehicles, boats or any similar personal property.

IV. Bank Accounts:

16. Bring a copy of each and every monthly statement you have received in the last three (3) years from any bank, credit union, savings and loan association, brokerage house, or other financial institution with whom you have had an account relationship. This request covers both single or joint accounts.

17. Bring a copy of each and every Certificate of Deposit (CD) money market account or other depository account you have maintained at any point in time in the last three (3) years.

18. Bring a list of all other bank accounts for which you can sign as an authorized signatory on the account disclosing the name of the account holder, the name of the bank and the account number.

V. Corporate Stock Holdings:

19. Bring a copy of each and every Certificate of Stock you own in any public corporation. If the stock or any portion of what you own is held in a brokerage account, then bring a copy of each and every statement issued by said broker in the last twelve (12) months.

20. Bring a copy of any stock certificate or membership interest you hold in any closely held corporation or company, any limited liability company, any private or non-publicly traded corporation.

VI. Partnerships:

21. Bring a list of all general partnerships, limited partnerships or other business partnerships in which you are a partner or member in any percentage whatsoever disclosing the names of all other partners in each partnership, the assets belonging to the partnership, the business of the partnership and a disclosure as to any restrictions on the conveyance of your partnership interest.

22. Bring a copy of each and every K-1 form which you received or attached to your personal income tax return filed in the last three (3) years.

VII. Insurance Policies:

23. Bring a copy of each and every life insurance policy you either (a) own, (b) own any interest whatsoever, (c) are the beneficiary, (d) where your estate is the beneficiary, or (e) in which you have the power and authority to change the beneficiary. The documents you bring should disclose the name and address of the insurance company who issued the policy, the death benefit, the amount and frequency of the premium, the owner of the policy, and other similar information.

VIII. Estates:

24. Bring with you any and all pertinent information concerning any probate estate in which you are now receiving or expect in the future to receive any money, property or other inheritance including the name of the deceased, his or her relationship to you, the court where the estate is being administered, the case number, the name, address and phone number of the executor/administrator and the estimated value of your future inheritance.

IX. Trusts:

25. Bring either a copy of any trust agreement where you are a named beneficiary or a complete description of the trust if a copy is unavailable to you stating the name of the person who created the trust, his or her relationship to you, the exact name of the trust, the name and complete address of the trustee, the nature of your interest under the trust and the amount of money you have already received, the current amount and frequency you are currently receiving benefits and the expected value of your future benefits.

X. Annuities:

26. Bring either a copy of any annuity or other similar contract where you are now receiving disbursements or expect to receive benefits in the next two (2) years, or a detailed statement concerning the annuity contract including the name of the insurance or other company who is obligated to make payments under the terms of the annuity agreement, the complete address of said company, the nature of the annuity, the name of the person who purchased the annuity, his or her relationship to you, and the amounts of money you are now receiving or expect to start receiving within the next two (2) years.

XI. Accounts Receivable, Notes Receivable, Mortgages Receivable, Leases or Other Debts Due And Payable To You:

27. Bring a copy of any account receivable, note receivable, mortgage receivable, lease (where you are lessor) or other debt due you by some third party, including a copy of any signed note or credit terms agreement, ledger card evidencing the balance due, the payments you have already received, the current balance of the claim, the payment terms for the balance, current interest rate the debt is accruing, and regarding any leases, a complete description of the property being leased if not disclosed in #5 above.

XII. Legal Claims:

28. Bring a list of all lawsuits you have filed where you were the Plaintiff or one of the Plaintiffs in the last ten (10) years, including the complete style of the lawsuit, the court where the suit was filed and/or heard, the disposition, a copy of any Certificate of Judgment issued by the court, and the balance due you from the Defendant.

XIII. Property In The Hands of Another:

29. Bring a list of any and all property being held for you or for your beneficial interest by any third party including the name of the said third party, his/her complete address, a description of the property, the date and reason you transferred possession to said third party, and what actions you have to take to regain possession and/or title.

XIV. Miscellaneous:

30. Bring a list describing any farm animals, livestock, farm equipment or other farm related assets which you own or claim any interest.

31. Bring a list of any business equipment or inventory of goods held for resale which you currently own, or have any interest in whatsoever.

32. Bring a list of any and all off-shore bank accounts, credit card agreements or other similar contractual agreements, including the name and complete address of the off-shore entity with whom the account was created.

33. Bring a detailed list of the complete inventory of any and all safe deposit boxes you currently have rented or to which you have a contractual right of entry. Furthermore, bring a complete detailed list of each and every item stored in the safe deposit box at this time.

34. Bring a list of any and all transfers of property or gifts which you have made in the last five (5) years of any real or personal property with a value of \$500.00 or more, including the following information:

- a. The name of the transferee or person to whom you made the transfer;
- b. A detailed list or description of the property transferred;
- c. The reason for the transfer;
- d. The consideration you received or the transferee paid;
- e. The date of the transfer;
- f. If the transfer caused documentation to be created such as a deed, bill of sale, receipt or other documentation, a copy of such documentation.

XV. Documents:

35. Bring a complete copy of each of your federal income tax returns filed for the last three (3) years.

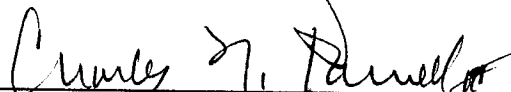
36. Bring a copy of each and every financial statement you have prepared for any creditor, in anticipation of credit being extended to you, based on credit previously extended to you or for any other reason whatsoever in the last three (3) years. If you claim you do not have a copy available to you, then a summary of what the said statement reflected concerning your financial standing or networth, and the name and complete address of each and every creditor to whom you submitted such a financial statement.

37. Bring a copy of each and every casualty insurance policy you have which insures the premises, contents or other interest you have in your home, vacation home, second residence, business or business assets.

38. Bring a detailed list of each and every creditor you owe an amount of Five Thousand (\$5,000) Dollars or more including the following information:

- a. The name and complete address of the creditor;
- b. The dates and original amount of debt;
- c. The current balance of the debt;
- d. The collateral, if any, for said debt;
- e. Whether the loan or extension of credit is current or past due pursuant to its credit terms.

Dated this 27th day of August, 2007.


CHARLES N. PARNELL, III
ATTORNEY FOR PLAINTIFF
ATTORNEY CODE: PAR016

OF COUNSEL:
PARNELL & CRUM, P.A.
PO Box 2189
Montgomery, AL 36102-2189
334/832-4200

CLERK

DEPUTY CLERK